

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ian DONALD et al

Application No.: 10/590,563

Group Art Unit: Not Yet Assigned

Filing Date: August 24, 2006

Examiner: Not Yet Assigned

Title: Connection System for Subsea Flow Interface Equipment

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Declaration Under 37 CFR 1.47(d)

1. My name is John Reid of East Ladyfield Cottage, Balruddery, Invergowrie, Dundee DD2 5LG, UK.
2. I work for DES Enhanced Recovery Limited in a contractual capacity.
3. Alan Crawford and Paul White were named inventors of US Patent Application No 60/548,727, which was filed in their joint names.
4. The filing and processing of US Patent Application 60/548,727 was handled by the employer of Alan Crawford and Paul White, ABB Vetco Gray Inc.
5. US Patent Application 60/548,727 was assigned to DES Enhanced Recovery Limited, including all inventorship rights of Alan Crawford and Paul White, in an assignment dated 24 March 2004 and Confirmatory Agreement dated 11 February 2005 and 17 March 2005 (Appendix A).
6. PCT/2005/000725 was filed by DES Enhanced Recovery Limited and claims priority from US Patent Application 60/548,727.
7. US Patent Application No 10/590,563 is the US national phase of PCT/2005/000725 and hence also claims priority from US Patent Application No 60/548,727.
8. I was asked by DES Enhanced Recovery Limited's Patent Attorneys to obtain the signatures of Alan Crawford and Paul White on a Declaration/Power of Attorney, a US Assignment and a Canadian Assignment, for US Patent Application 10/590,563 and its corresponding Canadian Patent family member.

9. I contacted Paul White and was advised all requests should be directed through Mark Barnett, who is Associate General Counsel of ABB Vetco Gray Inc.

10. I requested Mark Barnett to obtain Alan Crawford's and Paul White's signatures on these documents in my letter of 21 August 2006 (Appendix B).

11. On 24 October 2006, I telephoned Mark Barnett, requesting the Declaration and Assignments to be signed by the inventors Alan Crawford and Paul White and returned to me.

12. On 2 November 2006, I followed up this telephone conversation with a reminder e-mail (Appendix C).

13. On 16 November 2006, I had a telephone conversation with Mark Barnett, in which he confirmed that he had read PCT/2005/000725 and that he was unwilling to authorize either Alan Crawford or Paul White to sign either the Declaration/Power of Attorney or the Assignments, and therefore refused to authorize the inventors to sign the papers.


14. In this telephone conversation of 16 November 2006, Mark said that, in his opinion, all necessary transfer documents had already been signed.

15. On 16 November 2006, after the telephone conversation, I received an e-mail from Mark Barnett saying that he was unwilling to authorize the inventors to sign the documents (Appendix D).

16. This e-mail of 16 November 2006 also positively confirms that Mark Barnett had reviewed the documents to which the assignments would apply.


17. I have to date received no other response from Mark Barnett, Alan Crawford or Paul White.

18. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements and the like may jeopardize the validity of the Application or any Patent issuing thereon.



John REID

Date: 23 FEB. 07



Witness signature

CAROLIN BAREN
Name of Witness

CONFIRMATORY AGREEMENT

WHEREAS, we Alan Crawford, and Paul W. White, citizens of the United Kingdom, with respective post offices addresses of: 168C Hutcheon Street, Aberdeen, Scotland and 38 Cairds Wynd, Abbots Wood, Banchory, AB31 5XU, Scotland, hereinafter generally referred to as "APPLICANTS", have filed a United States Patent Application No 60/548,727 (hereinafter referred to as "THE PATENT APPLICATION" for an invention entitled:

MOUNTING SYSTEM FOR SUBSEA FLOW INTERFACE EQUIPMENT

hereinafter referred to as "THE INVENTION",

THE PATENT APPLICATION having a filing date of 26 February 2004,

WHEREAS ABB Vetco Gray Inc, a Delaware Corporation with business office at 3010 Briar Park Drive, Houston Texas 77042, USA, hereinafter generally referred to as "VG", is the employer of APPLICANTS, and

WHEREAS VG and APPLICANTS will hereinafter be referred to collectively as ASSIGNORS, and

WHEREAS, DES Enhanced Recovery Limited, a British corporation (registration number SC195350), formerly of Westhill Business Centre, Arnhall Business Park, Westhill, Aberdeen, AB32 6US, United Kingdom, and now having a place of business at 3 Prospect Place, Westhill, Aberdeen, AB32 6SY, United Kingdom, hereinafter generally referred to as "ASSIGNEE" is entitled to the ownership of THE INVENTION and THE PATENT APPLICATION,

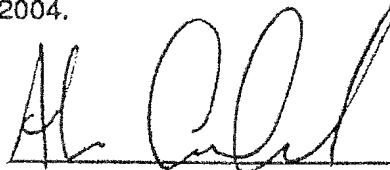
WHEREAS ASSIGNORS have assigned THE PATENT APPLICATION to ASSIGNEE by an assignment dated 24 March 2004, hereinafter generally referred to as THE ASSIGNMENT, THE ASSIGNMENT being attached hereto as ANNEX 1,

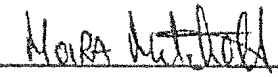
NOW, ASSIGNORS and ASSIGNEE hereby agree that a typographical error was made in the wording of THE ASSIGNMENT, the error being in the application number of THE PATENT APPLICATION, which number should have been given as 60/548,727 and not 60/548,630,

AND ASSIGNORS and ASSIGNEE hereby confirm, for the avoidance of any possible doubt, that THE ASSIGNMENT relates to US Patent Application No 60/548,727 and that THE ASSIGNMENT was effective to transfer US Patent Application No 60/548,727, the invention described and claimed therein and all rights thereto mentioned in THE ASSIGNMENT.

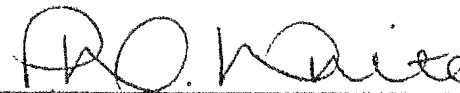
This agreement is effective as of 24 March 2004.


17 MAR '05
Date


Alan Crawford




(Witness)


17.03.05
Date


Paul W. White

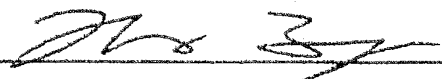

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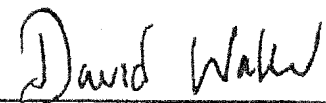
17/3/05
Date


~~Norman Brammer~~ GEORGE CHALMERS 
for and on behalf of ~~ABB~~ Vetco Gray Inc.
FORMERLY KNOWN AS ABB VETCO GRAY INC.


(Witness)

11/2/05
Date


Tom Bryce
for and on behalf of DES Enhanced
Recovery Limited


(Witness)

ASSIGNMENT

WHEREAS, we, Alan Crawford and Paul W. White, citizens
of: UNITED KINGDOM, with respective post office addresses:

of: 168C HUTCHEON STREET
ABERDEEN
SCOTLAND

and 38 CARLOS WYND
ABBOTS WOOD
BANCHORY, AB31 5XU
SCOTLAND

(hereinafter generally referred to as "APPLICANTS"),
have filed United States Patent Application
No60/548630 (hereinafter referred to as "THE PATENT APPLICATION"), for an
invention entitled:

MOUNTING SYSTEM FOR SUBSEA FLOW INTERFACE EQUIPMENT,
(hereinafter referred to as "THE INVENTION").
THE PATENT APPLICATION having a filing date of 26th February 2004 and

WHEREAS ABB Vetco Gray Inc, a Delaware Corporation with business office
at 3010 Briar Park Drive, Houston Texas 77042, USA, hereinafter generally referred to
as "VG", is the employer of APPLICANTS, and

WHEREAS VG and APPLICANTS will hereinafter be referred to collectively
as ASSIGNORS, and

ARW
Q

WHEREAS, DES Enhanced Recovery Limited, a British corporation (registered number SC195350) having a place of business at Westhill Business Centre, Arnhall Business Park, Westhill, Aberdeen, AB32 6US, United Kingdom, hereinafter generally referred to as "ASSIGNEE", is entitled to the ownership of THE INVENTION and THE PATENT APPLICATION and is desirous of acquiring the same,

NOW, THEREFORE, in consideration of the sum of One Dollar and other good and valuable executed consideration, the full receipt and sufficiency of all of which are hereby acknowledged, and intending to be legally bound hereby, we, the undersigned ASSIGNORS, hereby agree to sell, assign, transfer and convey and by these presents do sell, assign, transfer and convey unto the above-named ASSIGNEE, the whole and entire right, title and interest in and to THE INVENTION as described in THE PATENT APPLICATION,

In and to THE PATENT APPLICATION, including any continuing and/or divisional applications therefore, any provisional applications identified in the above application, any and all United States Letters Patent which may be granted on said application(s) including reissues and re-examinations of such Letters Patent and any other Applications in other territories relating to THE INVENTION; and including the right to file further Applications and the right to be granted Patents pursuant to any such further Applications anywhere in the world, claiming priority from THE PATENT APPLICATION and any such other Applications;

THE INVENTION, THE PATENT APPLICATION, any such further Applications and any such other Applications and Letters Patent to be held and enjoyed by the above-named ASSIGNEE, for ASSIGNEE's own use and behoof, and for ASSIGNEE's legal representatives and assigns to the full end of the term or terms for which said Letters Patent may be granted, as fully and entirely as the same would have been held by the undersigned ASSIGNORS had this assignment and sale not been made; and for the aforesaid consideration ASSIGNORS hereby covenant, agree and undertake to execute, whenever requested by the above-named ASSIGNEE, all patent applications, assignments, lawful oaths and any other papers which ASSIGNEE may

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CML

deem necessary or desirable for securing to ASSIGNEE or for maintaining for ASSIGNEE all the Letters.

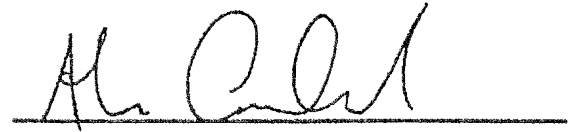
Patent hereby assigned or agreed to be assigned; all without further compensation to the undersigned ASSIGNORS. Furthermore, the ASSIGNORS hereby appoint the ASSIGNEE as their lawful attorney with full power and authority to execute and deliver any and all documents, which may be required in order to perfect the right, title and interest of the ASSIGNEE in THE INVENTION and THE PATENT APPLICATION.

24 MAR '04

Date



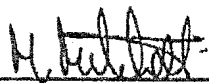
(Witness)



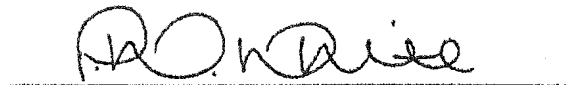
Alan Crawford

24.03.04

Date



(Witness)



Paul W. White

24 March 2004

Date



(Witness)

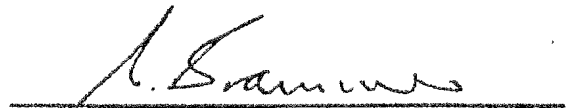


ABB Vetco Gray Inc.

24 March 2004

Date



(Witness)



DES Enhanced Recovery Limited



Vetco Gray inc.
3010 Briarpark
Houston
Texas 77042
USA.

21 August 2006



For the attention of: Mark Barnett.

Dear Mark,

Please find attached three off documents:

- 1) US Assignment document, (signed by I. Donald & J. Reid of DES Operations Ltd.)
- 2) Canadian Assignment document, (signed as per 1. above.)
- 3) Power of attorney document, (signed as per 1. above).

These documents refer to an original Vetco patent (Ref: US 60/548,727) assigned to DES and subsequently added to by DES. The enhanced patent will be filed in the US national phase at the end of this month.

Paul White and Alan Crawford were named as inventors on the original Vetco application. To progress the documentation our patent lawyers advise that both Paul and Alan's signatures are required on the above listed documents.

As the US patent office will require the assignment document soon after filing, your assistance in attaining the signatures is very much appreciated. If you require further assistance or clarification please contact myself or Ian Donald.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'John Reid'.

John Reid.

APPENDIX C

John Reid

From: John Reid
Sent: 02 November 2006 11:43
To: 'Mark.Barnett@vetco.com'
Cc: Ian Donald (DES)
Subject: Connection system patent. (Assignment documents.)

Dear Mark,
Since my telephone call of the 24th October (regards inventor signatures for assignment documents,) the DES patent agents are again requesting the documents for submission to the US patent office.
Please advise if you have had time to process / review the documents and a likely time scale for the return of said documents to DES.

For reference, the assigned patent No. is: WO2005/083228 A1

If there are any difficulties or you require further information, please telephone etc, with details.

Thanks and regards,
John.

DES Operations Limited
Tel: +44 (0) 1224 748460

Murgitroyd & Company Incoming Mail

Received on 16/11/2006 at 22:09

From JReid@des-operations.com
To (2) "Debi Brown" <Debi.Brown@murgitroyd.com>
Subject FW: Connection system patent. (Assignment documents.)
People Forwarded (1) SMTP MAIL IN: Murnane G Group
Cases Forwarded (0)

Further to my previous e-mail, find below Mark's reply to the telephone call. (Just received.)
John.

DES Operations Limited
Tel: +44 (0) 1224 748460

-----Original Message-----

From: Mark.Barnett@vetco.com [mailto:Mark.Barnett@vetco.com]

Sent: 16 November 2006 21:52

To: John Reid

Cc: paul.white@vetco.com; alan.crawford@vetco.com; gary.shaw@vetco.com

Subject: Re: Connection system patent. (Assignment documents.)

John:

I have finally tracked down your original August 21, 2006 correspondence, where you initially requested that Paul White and Alan Crawford sign certain assignment documents. However, after careful consideration of the request and a review of the documents to which these assignments would apply, I am unwilling to authorize them to sign the assignments for the reasons I provided on our telephone call today. DES does already have proper assignments related to the provisional application that Vetco filed related to Vetco's conceptions on the bridging system, so I believe you have what you need to address claims to that scope.

Regards,
Mark

Mark H. Barnett
Associate General Counsel - IP

Dear Mark,
Since my telephone call of the 24th October (regards inventor signatures for assignment documents,) the DES patent agents are again requesting the documents for submission to the US patent office.
Please advise if you have had time to process / review the documents and a likely time scale for the return of said documents to DES.

For reference, the assigned patent No. is: WO2005/083228 A1